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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,011	07/03/2003	Frank Jentsch	07781.0089-00000	5477

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EXAMINER
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NGUYEN BA, HOANG VU A

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/612,011

Applicant(s)

JENTSCH ET AL.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is responsive to the amendment filed July 25, 2006.
2. Claims 1-27 are pending.

### ***Response to Amendments***

3. Per Applicants' request, claims 1, 6, 8-9, 12, 14, 16-19, 23-24 have been amended and new claims 25-27 have been added.
4. The objection to the Specification and the Abstract is withdrawn in view of Applicants' amendments.
5. The objection to claims 6 and 17 is withdrawn in view of Applicants' amendments to these claims.
6. The provisional obviousness-type double patenting rejection of claims 1-24 is withdrawn in view of Applicants' amendments to these claims to recite distinct subject matters.
7. The rejection of claims 23-24 under 35 U.S.C. § 101 as being directed to non-statutory subject matter is withdrawn in view of applicants' amendments to these claims.

### ***Response to Arguments***

8. Applicants' arguments in the Remarks, pp. 10-12, filed July 25, 2006 have been fully considered but they are not persuasive. Following is an examiner's response to Applicants' arguments.

#### **Rejection of claims under 35 U.S.C. § 102(e):**

Applicants essentially argued that Rosenberg fails to discuss how conditional breakpoints are implemented.

In response to Applicants' arguments, the examiner respectfully submitted that contrary to Applicants' assertion, Rosenberg does indeed disclose how conditional breakpoints are implemented. See Figure 2.4, p. 25 where source code with conditional breakpoints are shown, e.g.,

```
"if (key >= '0' && key <= 'g') {  
    checkFirst(); ...  
    else if ..."
```

Therefore, the rejection of claim 1 under 35 U.S.C. § 102(e) as being anticipated by Rosenberg is proper and maintained.

Rejection of claims 12-24 under 35 U.S.C. § 103(a) as being unpatentable over Rosenberg:

In response to Applicants' arguments that claims 12 and 23 are distinguishable from Rosenberg for reasons similar to those discussed in connection with claim 1, it is submitted that since claim 1 is not distinguishable over Rosenberg for the same reasons discussed in response to Applicants' arguments regarding claim 1, claims 12 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rosenberg.

***Claim Rejections – 35 USC § 102***

9. For the rejection of claims 1-11, see previous Office action.

***Claim Rejections – 35 USC § 103***

10. For the rejection of Claims 12-24, see previous Office action.

**Claim 25**

Rosenberg does not specifically disclose *wherein the breakpoint computer program code is a macro call included in the first computer program code, the macro call referring to a macro not included in the first computer program code*. However, Official notice is taken that it is well known that a breakpoint computer program code is a macro (or function) call which is an instruction to direct the program control to a program that performs the function required and that the program is an external program that is located outside the main program, thus not included in the first program code. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to insert macro calls into a main program for the purpose of performing debugging the program in order to collect relevant information to improve program execution performance.

Since **Claim 26** is a computer system version and **Claim 27** is a computer program product version of the debugging method recited in Claim 1, the same rejection is thus applied.

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:05 am to 5:35 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



October 15, 2006

ANTONY NGUYEN-BA  
PRIMARY EXAMINER